

**MANDATE**

**United States Court of Appeals  
For the First Circuit**

J O'TOOLE  
CA:05-11604

No. 06-2043

HUDSON SAVINGS BANK,

Plaintiff, Appellee,

v.

GEORGE C. AUSTIN, III, ETC., ET AL.,

Defendants, Appellees,

UNITED STATES OF AMERICA,

Defendant, Appellant.

**JUDGMENT**

Entered: March 5, 2007

This cause came on to be heard on appeal from the United States District Court for the District of Massachusetts and was argued by counsel.

Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of dismissal is reversed, and the matter is remanded to the district court for further proceedings consistent with the opinion issued this day. Thereafter, if any issue remains to be resolved between the Commonwealth of Massachusetts and Hudson Savings Bank the remainder of the case should be remanded to the state court.

**Certified and Issued as Mandate  
under Fed. R. App. P. 41.**

**Richard Cushing Donovan, Clerk**

*[Signature]*  
**Deputy Clerk**

**Date: APR 26 2007**

By the Court:

**RICHARD CUSHING DONOVAN**

Richard Cushing Donovan, Clerk

[Certified copies to Hon. George A. O'Toole and Ms. Sarah Thornton, Clerk, United States District Court for Massachusetts. Copies to Mr. Burger, Ms. Healy Smith, Mr. Miller, Mr. Hutter, Mr. Clark, Ms. O'Connor, Ms. Ryan McAuliffe, & Mr. Barnico.]